IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6160 of 2005

Between:

M/s G. Pattabhi Ramaiah & Co. (Agencies), 14-1-127/1, Nowroji Street,

Maharanipeta, Visakhapatnam, rep. by its Partner Sri G.A.D.E. Venkata

Rama Mohana Rao.

..... PETITIONER

AND

1 Commercial Tax Officer, Chinawaltair Circle, Visakhapatnam.
2 Appellate Deputy Commissioner (CT) (FAC), Visakhapatnam.
3 Additional Commissioner (CT (Legal), Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus restraining the first respondent from collecting the disputed tax of Rs. 3,40,610/- for the assessment year 2001-02 (Provisional) (April, 2001 to February, 2002) arising in pursuance of the assessment order dated 3-6-2002 passed by the first respondent and became collectable in pursuance of the stay rejection order of the third respondent dated 28-2-2005 passed in CCT's Ref.No. LV(3)/181/2005 after calling for the records.

Counsel for the Petitioner: MR.S.KRISHNA MURTHY

Counsel for the Respondents: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following :

ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

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It is now stated by the learned counsel for the petitioner and the learned Government Pleader for Commercial Tax that the appeal is pending before the Sales Tax Appellate Tribunal and 50% of the disputed tax has already been deposited.

2. Under these circumstances, writ petition is disposed of directing the appellate authority to dispose of the appeal, if not already disposed of, within a period of two months from the date of receipt of a copy of this order. Pending disposal of the appeal, there shall be interim stay of collection of disputed tax. No costs.

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G.BIKSHAPATHY, J.

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P.S.NARAYANA, J.

Dated 25-03-2005.

SKMR

..... REGISTRAR

To

1 Commercial Tax Officer, Chinawaltair Circle, Visakhapatnam.
2 Appellate Deputy Commissioner (CT) (FAC), Visakhapatnam.
3 Additional Commissioner (CT (Legal), Hyderabad.

4 2 CCs to G.P. for Commercial Tax, High Court Buildings, Hyderabad

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